

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C 08-4774 MHP (pr)

ANTONIO CANDRAY,

ORDER OF TRANSFER

Petitioner,

v.

JAMES D. HARTLEY (Warden),

Respondent.

Antonio Candray filed a petition for writ of habeas corpus to challenge the denial of parole by the Board of Parole Hearings. Williams is incarcerated at Avenal State Prison, where the hearing apparently took place at which parole was denied. The prison is in Avenal, which is in Kings County. Kings County is within the venue of the Eastern District of California. Venue is proper in a habeas action in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence, such as a time credit calculation or parole denial claim. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Because petitioner is confined in the Eastern District of California and challenging the execution of his sentence, pursuant to 28 U.S.C. § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this action is TRANSFERRED to the United States District Court for the Eastern District of California. The clerk shall transfer this matter.

IT IS SO ORDERED.

DATED: December 18, 2008


Marilyn Hall Patel
United States District Judge